

Practitioner's Docket No. MPI00-079P1RCP2CN1M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.: 10/664,506 Group No.: 1652
Filed: September 17, 2003 Examiner: PAK, Y.
For: 21481, A NOVEL HUMAN DEHYDROGENASE MOLECULE AND USES
THEREOF

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**SUBMISSION OF "SUPPLEMENTAL SEQUENCE LISTING," AND COMPUTER READABLE
COPY, AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE**

1. ☐ This submission accompanies the new application being filed concurrently herewith.
☒ This submission is in conjunction with Reply to the Office Letter Dated May 12, 2005.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Kerri Pollard Schray state the following: _____

ITEMS BEING SUBMITTED

3. Submitted herewith is/are: _____

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a) **37 C.F.R. SECTION 1.10***

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
Mailing Label No.

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Beverly Sotiropoulos
Signature

Beverly Sotiropoulos

(type or print name of person certifying)

Date: August 2, 2005

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each sequence in the "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.
- B. ☒ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. Section 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of: , et al

Application No.:

Group No.:

Filed:

Examiner:

For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

"Sequence Identifier"

(other application)

(this application)

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. Section 1.821(f).
- ☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. Section 1.821(b).
- F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. Section 1.821(g), a statement that the submission includes no new matter.
- ☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. Section 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

EXTENSION OF TERM

5. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$1,480.00	\$ 740.00
	Fee	<u>\$0.00</u>

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$0.00

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE PAYMENT

6. ☐ Attached is a check in the sum of \$ _____.

- ☐ Charge Account No. 501668 the sum of \$0.00.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

8. ☒ If any additional extension and/or fee is required, charge Account No. 501668.

August 2, 2005

MILLENNIUM PHARMACEUTICALS, INC.

By Kerri Pollard Schray
Kerri Pollard Schray
Registration No. 47,066
40 Landsdowne Street
Cambridge, MA 02139
Telephone - 617-551-3676
Facsimile - 617-551-8820



Practitioner's Docket No. MPI00-079P1RCP2CN1M

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Meyers, Rachel E., et al		
Application No.:	10/664,506	Group No.:	1652
Filed:	September 17, 2003	Examiner:	PAK, Y.
For:	21481, A NOVEL HUMAN DEHYDROGENASE MOLECULE AND USES THEREOF		

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

I, Kerri Pollard Schray hereby state:

- That the following culture(s) referred to in the specification of this application have been deposited:
E.coli containing plasmid with cDNA for 21481 Ep21481 PTA-1845
Strain Accession number
- That the date of the above deposit is:
☒ before the U.S. filing date of this application.
☐ after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.
- That the name and address of the depository is:
American Type Culture Collection (ATCC)
10801 University Blvd Manassas, VA 20110

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

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TRANSMISSION

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Signature

Beverly Sotiropoulos
Beverly Sotiropoulos

Date: August 2, 2005

(type or print name of person certifying)

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4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by:

- a. ☒ the depository.
- b. ☐ the applicant.
- c. ☐ a competent third party.

5. That, with respect to the permanence of the culture(s) deposit:

- a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
- b. ☒ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c. ☒ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I affirm that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

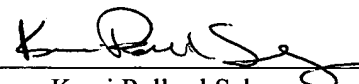
6. That, with respect to availability of the culture(s), I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

- ☒ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

August 2, 2005

MILLENNIUM PHARMACEUTICALS, INC.

By



Kerri Pollard Schray
Registration No. 47,066
40 Landsdowne St
Cambridge, MA 02139
Telephone – (617) 551-3676
Facsimile – (617) 551-8820

☒ Person authorized to sign on behalf of assignee

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

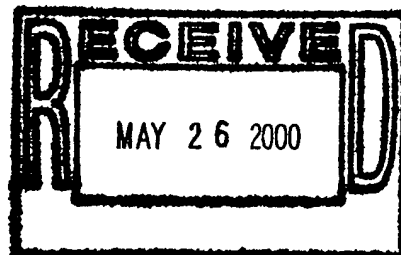
BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Millennium Pharmaceuticals, Inc.
Attn: Gail Mays
75 Sidney Street
Cambridge, MA 02139



Deposited on Behalf of: Millennium Pharmaceuticals, Inc.

Identification Reference by Depositor:

Escherichia coli strains containing plasmid with human cDNA insert
for the gene 2504: Ep2504

Escherichia coli strains containing plasmid with human cDNA insert
for the gene 25312: Ep25312

Escherichia coli strains containing plasmid with human cDNA insert
for the gene 21481: Ep21481

Escherichia coli strains containing plasmid with human cDNA insert
for the gene 25278a: Ep25278a

Escherichia coli strains containing plasmid with human cDNA insert
for the gene 39404: Ep39404

Patent Deposit Designation

PTA-1843

PTA-1844

PTA-1845

PTA-1846

PTA-1847

The deposits were accompanied by: ___ a scientific description, a proposed taxonomic description indicated above. The deposits were received May 9, 2000 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested May 17, 2000. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara E. Coupé, Administrator, Patent Depository
cc: Ted Allen

Date: May 18, 2000